## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA CHARLESTON DIVISION- IN ADMIRALTY

Penny Jo Barnett, individual and as	) Case No: 2:20-cv-02517-DCN
Personal Representative of the Estate of	
Edward Barnett,	)
Plaintiff,	) ) Plaintiff's Motion for Judicial Notice ) of Certain Adjudicative Facts
v.	
United States of America,	)
Defendant.	)
	)

Pursuant to Rule 201 of the Federal Rules of Evidence, Plaintiff hereby requests that this Court to take judicial notice of certain adjudicative facts in the above-entitled action. Rule 201 "mandates that a court must take judicial notice of an adjudicative fact when a party so requests." *Hurd v. U.S.*, 134 F.Supp.2d 745 (D.S.C. 2001). Under Rule 201, the "court may judicially notice a fact that is not subject to a reasonable dispute because it: (1) is generally known within the trial court's territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Rule 201 of Fed. R. Evid.

Plaintiff requests that the Court take judicial notice of the following:

1. <u>U.S. Department of Homeland Security United States Coast Guard Local Notice</u> to Mariners Weekly Edition District: 7 Week: 18/07.

The Local Notice to Mariners is compiled, published, and issued by the United States

Coast Guard and contains information regarding aids to navigation. A copy of the subject Local

Notice to Mariners is available publicly, is subject to the Freedom of Information Act laws, and
is attached as "Exhibit A."

## 2. A nighttime allision with the dike occurred on April 25, 2022.

As reported by news outlets in Charleston, South Carolina, a nighttime allision with the dike occurred on April 25, 2022. The allision response included Charleston County 911 Consolidated Dispatch, the United States Coast Guard, and South Carolina Department of Natural Resources. The public records of those agencies surrounding the allision are subject to Freedom of Information Act laws. A news report of the allision is attached as "Exhibit B."

## O'Shea Law Firm, LLC

s/Christopher J. McCool

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Charleston, South Carolina October 17, 2022